

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DETLEF HARTMANN)

Plaintiff,)

v.)

C.A. No. 06-340-SLR

COMMISSIONER ANDREA MAYBEE-)
FREUD et al.,)

Defendants.)

**DEFENDANTS THOMAS CARROLL, PAUL HOWARD, DAVID PIERCE AND
EDWARD JOHNSON’S MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 4(m)¹**

Department of Correction (“DOC”) Defendants Thomas Carroll, Paul Howard, David Pierce and Edward Johnson (“Defendants”) hereby move for entry of an order in the form attached hereto dismissing the Plaintiff’s claims against it for failure timely to serve process. In support of this Motion, the Defendants assert as follows:

1. On or about May 23, 2006, Plaintiff Detlef Hartmann (“Hartmann”) an inmate incarcerated at the Delaware Correctional Center (“DCC”), filed a 91 page Complaint against 20 Defendants pursuant to 42 U.S.C. § 1983 with leave to proceed *in forma pauperis* alleging First, Sixth, Eighth and Fourteenth Amendment constitutional violations. (Complaint, *passim*). These original Defendants consisted of several members of the Delaware Judiciary, the Attorney General’s Office, the Department of Correction, First Correctional Medical (“FCM”), the Public Defender’s Office, the State Library system and the Delaware Center for Justice. *Id.* On or about July 6, 2006, Hartmann

¹ Defendants reserve all defenses and do not, by the filing of this Motion for the limited and exclusive purpose of petitioning the Court to dismiss all claims against them, intend to waive any defense available to them.

filed a Motion for Preliminary Injunction and Temporary Restraining Order alleging retaliation on the part of the DOC Defendants for filing his Complaint. [D.I.#7] The motion also requested appointment of counsel. *Id.* On or about August 21, 2006, by Memorandum Order, Hartmann's Motion for Preliminary Injunction and/or Temporary Restraining Order was denied as was his Motion for appointment of counsel. Additionally, many of the claims in the Complaint were dismissed without prejudice with leave to file an amended complaint to correct the pleading deficiencies found in several of the claims. [D.I.#12]. The Order also stated; "Hartmann is placed on notice that the Court **shall strike and will not consider** an amended complaint that contains abbreviations and an explanatory list such as was used in the original complaint." *See* D.I.#2 at 8.

2. On or about September 1, 2006, Hartmann filed a Motion for Reconsideration of the Court's Memorandum Order. [D.I.#13]. On or about October 13, 2006, by order of the Court, Hartmann's motion was denied. Hartmann was given an enlargement of time to amend his Complaint. On or about October 26, 2006, Hartmann appealed the October 13, 2006, Court's Order to the Third Circuit. [D.I.#16]. On or about November 7, 2006, Hartmann filed a motion for enlargement of time to file an amended complaint. [D.I.#20]. On or about December 15, 2006, the Honorable Kent A. Jordan was elevated to the Third Circuit Court of Appeals. Pending assignment, the case was referred to Magistrate Judge Mary Pat Thyng. [D.I.#24].

3. On or about February 22, 2007, Hartmann filed a motion to stay the proceedings until the Third Circuit ruled on his appeal. [D.I.#26]. On or about March 9, 2007, Hartmann filed another Motion for Preliminary Injunction against DOC personnel

Karl Hazzard alleging numerous constitutional violations. [D.I. ##27, 28]. On or about March 23, 2007, Hartmann filed a motion to amend the caption of the complaint. [D.I.#31]. On or about March 27, 2007, the Third Circuit dismissed Hartmann's appeal. [D.I.#33]. On or about April 6, 2007, Hartmann filed a motion for appointment of counsel and a motion for enlargement of time to amend his complaint. [D.I.#34].

4. On or about May 9, 2007, by Order of the Court, Hartmann's motion to stay the proceedings was denied as moot; motions for Preliminary Injunction, show cause, appointment of counsel and amending the caption of the complaint were denied. [D.I.#37]. On or about June 7, 2007, Hartmann filed a 277 page amended complaint adding 65 more Defendants and numerous claims. [D.I.#38] On or about September 17, 2007, Hartmann's amended complaint was stricken. ("Plaintiff, who does not believe in brevity, filed a 277 page document that, needless to say, fails to comply with Rule 8(a)(2)"). [D.I.#40]. Hartmann was given leave to amend but was placed on notice that if he "failed to comply with the foregoing requirements, the court **shall strike, and will not consider**, the second amended complaint." *Id.* On or about October 9, 2007, Hartmann filed a 72 page amended complaint. [D.I.#41].

5. On or about November 13, 2007, Hartmann's second amended complaint was stricken for failure to comply with the Court's September 17, 2007 order. [D.I.#44]. In accordance with the September 17, 2007, order the case proceeded on the original complaint and only on certain claims. *Id.* Service of process was ordered issued upon the remaining Defendants. *Id.*

6. On or about November 29, 2007, Hartmann filed a revised amended complaint and a motion for Preliminary Injunction and/or Temporary Restraining Order.

[D.I.##46, 47]. On January 22, 2008, in a Memorandum Order the Court denied Hartmann's motion for Preliminary Injunction. [D.I.#48]. Additionally, the order dismissed most of the Defendants and claims in the original complaint. Some claims against Defendants Carroll, Howard, Pierce and Johnson were allowed to proceed. The portion of the November 13, 2007 Court's order providing for service was vacated. The order also instructed Hartmann to forward USM 285 forms for service upon the remaining defendants as well as the office of the Attorney General.

7. Since the January 22, 2008, Order, Hartmann has filed motions for Preliminary Injunction [D.I.##49, 62]; appointment of counsel. [D.I.##51, 63]; notice of Appeal [D.I.#53]; motion to change venue [D.I.#60]; motion to file a reply brief [D.I.#61]; motion to correct case caption [D.I.#64]; motion for discovery [D.I.#65] and a 233 page motion for reconsideration of the January 22, 2008, Court's Order. [D.I.#66].

8. To date, not one of the remaining Defendants has been served. (Exhibit A Docket Sheet attached hereto) Federal Rule of Civil Procedure 4(m) provides:

(m) Time Limit for Service.

If a defendant is not served within 120 days after the complaint is filed, The court ---on motion or on its own after notice to the plaintiff---must Dismiss the action without prejudice against that defendant or order that Service be made within a specified time. But if the plaintiff shows good Cause for the failure, the court must extend the time for service for an Appropriate period. This subdivision (m) does not apply to service in a Foreign country under Rule 4(f) or 4(j)(1).

9. As of the date of this Motion, more than 160 days have elapsed since the January 22, 2008, Order to effect service upon the remaining Defendants. Pursuant to Fed.R.Civ.P. 4(m), Hartmann's claims against the DOC Defendants therefore, should be dismissed.

WHEREFORE, for the foregoing reasons, DOC Defendants respectfully request entry of the order attached hereto dismissing all claims against the DOC Defendants.

**DEPARTMENT OF JUSTICE
STATE OF DELAWARE**

/s/ Catherine Damavandi
Catherine Damavandi (ID # 3823)
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendants Tom
Carroll, Paul Howard, David Pierce
and Edward Johnson

June 5, 2008

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2008, I electronically filed *Defendants Tom Carroll, Paul Howard, David Pierce and Edward Johnson's Motion to Dismiss Pursuant to Fed.R.Civ.P.4(m)* with the Clerk of Court using CM/ECF. I hereby certify that on June 5, 2008, I have mailed by United States Postal Service, the document to the following non-registered party:

Detlef F. Hartmann, Inmate
SBI#229843
Delaware Correctional Institution
1181 Paddock Road
Smyrna, DE 19977

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Catherine Damavandi
Catherine Damavandi (ID # 3823)
Deputy Attorney General
State of Delaware
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400
Attorney for Defendants

EXHIBIT A

APPEAL, PaperDocuments, VACANTJUDGESHIP

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:06-cv-00340-SLR**

Hartmann v. Maybee-Freud et al
Assigned to: Judge Sue L. Robinson
Related Cases: 1:01-cv-00286-JJF

1:03-cv-00796-JJF

Case in other court: Third Circuit, 07-04092

USCA, 08-01541

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/23/2006

Jury Demand: None

Nature of Suit: 555 Prisoner: Prison

Conditions

Jurisdiction: Federal Question

Plaintiff

Detlef F. Hartmann

represented by **Detlef F. Hartmann**

SBI #229843

Delaware Correctional Center

1181 Paddock Road

Smyrna, DE 19977

PRO SE

V.

Defendant

Commissioner Andrea Maybee-Freud

TERMINATED: 08/21/2006

Defendant

Judge William L. Wytham

TERMINATED: 08/21/2006

Defendant

Judge Walsh

TERMINATED: 08/21/2006

Defendant

Judge Holland

TERMINATED: 08/21/2006

Defendant

Judge Berger

TERMINATED: 08/21/2006

Defendant

Commissioner Stanley Taylor

TERMINATED: 08/21/2006

Defendant

Warden Thomas Carroll

Defendant

Capt. McCreanor

TERMINATED: 08/21/2006

Defendant

Corporal Lisa Merson

TERMINATED: 08/21/2006

Defendant

Michael Little

Legal Services Administrator

TERMINATED: 08/21/2006

Defendant

Paralegal Edward Johnson

Defendant

Jane Brady

Former Attorney General

TERMINATED: 08/21/2006

Defendant

Prosecutor Martin O'Connor

TERMINATED: 08/21/2006

Defendant

Director of State Public Libraries

TERMINATED: 08/21/2006

Defendant

David Jones

TERMINATED: 08/21/2006

Defendant

Christopher Witherell

TERMINATED: 08/21/2006

Defendant

Christopher Tease, Jr.

TERMINATED: 08/21/2006

Defendant**Correctional Medical Services***TERMINATED: 01/22/2008***Defendant****First Correctional Medical Services***TERMINATED: 01/22/2008***Defendant****Delaware Center for Justice***TERMINATED: 08/21/2006***Defendant****Jane Brady***TERMINATED: 08/21/2006***Defendant****Warden Stanley Taylor***TERMINATED: 01/22/2008***Defendant****Adult Bureau Chief Paul Howard****Defendant****James Welsh***TERMINATED: 01/22/2008***Defendant****Warden Robert Snyder***TERMINATED: 01/22/2008***Defendant****Elizabeth Burris***TERMINATED: 01/22/2008***Defendant****Deputy Warden David Pierce****Defendant****MS. Francine Kobus***TERMINATED: 01/22/2008***Defendant****Mike Little***TERMINATED: 01/22/2008***Defendant****Edward Johnson**

Defendant**Jane Melbourne***TERMINATED: 01/22/2008***Defendant****Jane Thompson***TERMINATED: 01/22/2008***Defendant****Michael Molreana***TERMINATED: 01/22/2008***Defendant****Lisa Merson***TERMINATED: 08/21/2006***Defendant****R. Vargas***TERMINATED: 01/22/2008***Defendant****Evelyn Stevenson***TERMINATED: 01/22/2008***Defendant****Nikita Robbins***TERMINATED: 01/22/2008***Defendant****Janet Leban***TERMINATED: 01/22/2008***Defendant****John Malaney****Defendant****Jane Alie****Defendant****Deborah Rodweller****Defendant****Gail Eller***TERMINATED: 01/22/2008***Defendant****Oshenka Gordon**

Defendant

Brenda Hedding

TERMINATED: 01/22/2008

Defendant

Nancy Doe

Defendant

R.W. Doe, IV

Defendant

Ihoma Doe

Defendant

Larry Linton

TERMINATED: 01/22/2008

Defendant

Kimberly Weigner

TERMINATED: 01/22/2008

Defendant

Dr. Anthony Cannuli

TERMINATED: 01/22/2008

Defendant

I to XLV Does

Defendant

Joyce Talley

TERMINATED: 01/22/2008

Defendant

Carl Hazzard

TERMINATED: 01/22/2008

Defendant

Capt. J. Henry

TERMINATED: 01/22/2008

Defendant

**Kent County Division of Family
Services**

TERMINATED: 01/22/2008

Defendant

**Delaware Secretary and
Commissioner, Board and/or**

**Council, for Mental Health, Children
and their families, Corrections**
TERMINATED: 01/22/2008

Defendant

Department of Corrections
TERMINATED: 01/22/2008

Defendant

Delaware Correctional Center
TERMINATED: 01/22/2008

Defendant

State Of Delaware
TERMINATED: 01/22/2008

Defendant

State Department of Public Libraries
TERMINATED: 01/22/2008

Defendant

Delaware Department of Justice
TERMINATED: 01/22/2008

Defendant

Delaware Center for Justice
TERMINATED: 08/21/2006

Defendant

Kent County Delaware
TERMINATED: 01/22/2008

Defendant

**American Disabilities Act and
Rehabilitaion Act**
TERMINATED: 01/22/2008

Defendant

Mrs. Jane Brady
TERMINATED: 01/22/2008

Defendant

Warden Thomas Carroll

Defendant

Michael McCreanor
TERMINATED: 01/22/2008

Defendant

John Scranton

TERMINATED: 01/22/2008

Defendant

John Malaney

Defendant

Gail Eller

TERMINATED: 01/22/2008

Defendant

Ithoma Chucks

Date Filed	#	Docket Text
05/23/2006	<u>1</u>	MOTION for Leave to Proceed in forma pauperis - filed by Detlef F. Hartmann. (Attachments: # <u>1</u> Trust Fund Account Statement)(dab,) (Entered: 05/24/2006)
05/23/2006	<u>2</u>	COMPLAINT filed pursuant to 42:1983 against all defendants - filed by Detlef F. Hartmann. (Attachments: # <u>1</u> Continuation of Complaint)(dab,) (Entered: 05/24/2006)
05/23/2006	<u>3</u>	Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction (dab,) (Entered: 05/24/2006)
05/23/2006	<u>4</u>	MOTION to Appoint Counsel - filed by Detlef F. Hartmann. (dab,) (Entered: 05/24/2006)
05/23/2006	<u>5</u>	LETTER MOTION for Preliminary Injunction - filed by Detlef F. Hartmann. (dab,) (Entered: 05/24/2006)
05/31/2006		Case assigned to Judge Joseph J. Farnan, Jr. Please include the initials of the Judge (JJF) after the case number on all documents filed. (rjb,) (Entered: 05/31/2006)
06/01/2006	<u>6</u>	ORDER granting Motion to Proceed IFP. Filing Fee of \$350.00 Assessed. An initial partial filing fee of \$10.83 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form). Notice of Compliance deadline set for 7/3/2006. Signed by Judge Joseph J. Farnan, Jr. on 06/01/06. (Attachments: # <u>1</u> Authorization Form)(afb,) (Entered: 06/01/2006)
06/06/2006	<u>7</u>	MOTION for Permanent or Preliminary Restraining Order, Preliminary Injunction, Declaration, with Memorandum of Law, and Request for Appointment of Counsel - filed by Detlef F. Hartmann. (afb,) (Entered: 06/06/2006)
06/06/2006	<u>8</u>	ACKNOWLEDGEMENT OF RECEIPT for AO Form 85. Acknowledgement filed by Detlef F. Hartmann. (afb,) (Entered: 06/08/2006)

06/06/2006	<u>9</u>	Authorization by Detlef F. Hartmann requesting Prison Business Office to disburse payments to the Clerk of the Court. (copy of assessment order and authorization to Prison Business Office) (afb,) (Entered: 06/08/2006)
06/06/2006	<u>10</u>	Letter to The Clerk of the Court from Detlef F. Hartmann, dated 06/04/06, requesting case be reassigned due to conflict. (afb,) (Entered: 06/08/2006)
06/09/2006	<u>11</u>	DECLARATION of Bias or Prejudice by Judge Farnan by Detlef F. Hartmann. (afb,) (Entered: 06/12/2006)
06/16/2006		Remark :Clerk sent copies of DI. 6 and 9 to the Prison Business Office at DCC. (afb,) (Entered: 06/16/2006)
06/21/2006		Case reassigned to Judge Kent A. Jordan. Please include the initials of the Judge (KAJ) after the case number on all documents filed. (rjb,) (Entered: 06/21/2006)
08/21/2006	<u>12</u>	MEMORANDUM ORDER re <u>4</u> MOTION to Appoint Counsel filed by Detlef F. Hartmann - DENIED; <u>7</u> MOTION for Injunctive Relief and motion to seal filed by Detlef F. Hartmann - DENIED; <u>5</u> MOTION for relief from providing service copies filed by Detlef F. Hartmann - DENIED; Claims 2,3,6,8,13-20,22-26, and claim 12, with the exception of the portion of Claim 12 directed to defendant Johnson, are DISMISSED without prejudice; plaintiff is given leave to file an amended complaint to correct the pleading deficiencies found in claims 2,3,6,8,17, and 19 within 30 days . Signed by Judge Kent A. Jordan on 8/21/06. (ntl,) (Entered: 08/21/2006)
09/01/2006	<u>13</u>	MOTION for Reconsideration and amendment to motion for appointment of counsel re <u>12</u> Memorandum Order - filed by Detlef F. Hartmann. (Attachments: # <u>1</u> Exhibits)(ntl,) (Entered: 09/01/2006)
09/18/2006	<u>14</u>	MOTION for Extension of Time to Amend <u>2</u> Complaint - filed by Detlef F. Hartmann. (rwc,) (Entered: 09/18/2006)
10/13/2006	<u>15</u>	ORDER - denying <u>13</u> Motion for Reconsideration, granting <u>14</u> Motion for Extension of Time to file Amended Complaint . Signed by Judge Kent A. Jordan on 10/13/06. (rwc,) (Entered: 10/13/2006)
10/25/2006		Partial Filing Fee Received from Detlef F. Hartmann: \$ 10.83, receipt number 145180 (copy to business office) (rpg,) (Entered: 10/26/2006)
10/26/2006	<u>16</u>	NOTICE OF APPEAL of <u>12</u> Memorandum and Order. Appeal filed by Detlef F. Hartmann. No fee paid. No IFP application received. (rwc,) (Entered: 10/26/2006)
10/30/2006	<u>17</u>	Memorandum in Support of - re <u>16</u> Notice of Appeal - filed by Detlef Hartman. (Attachments: # <u>1</u> Exhibit to Memorandum in Support of Appeal)(rwc,) (Entered: 10/31/2006)
10/30/2006	<u>18</u>	MOTION for Leave to Proceed in forma pauperis - re: <u>16</u> Appeal - filed by Detlef F. Hartmann. (rwc,) (Entered: 10/31/2006)
10/31/2006	<u>19</u>	MOTION for "Relief from Judgment for Filing Fee and Alike" - - filed by Detlef F. Hartmann. (rwc,) (Entered: 11/01/2006)

11/07/2006		Partial Filing Fee Received from Detlef F. Hartmann: \$ 34.00, receipt number 145323 (copy to business office) (rpg) (Entered: 11/08/2006)
11/13/2006	<u>20</u>	MOTION for Extension of Time to file Amendment to Complaint in response to Order [DI 12] - filed by Detlef F. Hartmann. (rwc) (Entered: 11/14/2006)
11/13/2006	<u>21</u>	Letter to Clerk dated 11/9/06 from Detlef Hartmann requesting clarification and return of \$34.00 filing fee deduction. (rwc) (Entered: 11/14/2006)
11/20/2006	<u>22</u>	Letter to Detlef Hartmann from Clerk dated 11/20/06 regarding response to - re <u>21</u> Letter. (rwc) (Entered: 11/20/2006)
12/04/2006	<u>23</u>	Trust Fund Account Statement by Detlef F. Hartmann (rwc) (Entered: 12/04/2006)
12/14/2006		Partial Filing Fee Received from Detlef F. Hartmann: \$ 8.00, receipt number 145682 (copy to business office) (rpg) (Entered: 12/14/2006)
12/15/2006	<u>24</u>	[1:06-cv-340-***]: Please note that, in accordance with the attached standing order, this case has been designated as one to be assigned to the judge who fills the vacancy left by the elevation of Judge Kent A. Jordan to the United States Court of Appeals for the Third Circuit. Pending assignment, the case has been referred to Magistrate Judge Mary Pat Thyng for all pretrial proceedings, pursuant to 28 U.S.C. section 636(b). Please include ***, in place of the Judge's initials, after the case number on all documents filed. (rwc) (Entered: 12/15/2006)
01/23/2007		Partial Filing Fee Received from Detlef F. Hartmann: \$ 9.18, receipt number 146168 (copy to business office) (rpg) (Entered: 01/24/2007)
01/26/2007	<u>25</u>	ORDER of USCA. Decision of USCA: granting IFP. (tk,) (Entered: 01/26/2007)
02/22/2007	<u>26</u>	MOTION to Stay Case Proceesings - filed by Detlef F. Hartmann. Motions referred to Mary Pat Thyng.(rwc) (Entered: 02/23/2007)
03/09/2007	<u>27</u>	MOTION to Show Cause, MOTION for Temporary Restraining Order - filed by Detlef F. Hartmann. Motions referred to Mary Pat Thyng.(rwc) (Entered: 03/09/2007)
03/09/2007	<u>28</u>	Memorandum of Law in Support re <u>27</u> MOTION MOTION for Order to Show Cause / MOTION for Temporary Restraining Order - filed by Detlef F. Hartmann. (rwc) (Entered: 03/09/2007)
03/09/2007	<u>29</u>	DECLARATION - re <u>27</u> MOTION MOTION for Order to Show Cause MOTION for Temporary Restraining Order - filed by Detlef F. Hartmann. (rwc) (Entered: 03/09/2007)
03/09/2007	<u>30</u>	SECOND MOTION to Appoint Counsel - filed by Detlef F. Hartmann. Motions referred to Mary Pat Thyng.(rwc) (Entered: 03/09/2007)
03/13/2007		Partial Filing Fee Received from Detlef F. Hartmann: \$ 10.82, receipt number 146824 (copy to business office) (rbe) (Entered: 03/14/2007)
03/23/2007	<u>31</u>	MOTION to Amend <u>2</u> Caption/Complaint - filed by Detlef F. Hartmann.

		Motions referred to Mary Pat Thyng.(rwc) (Entered: 03/26/2007)
03/23/2007	<u>32</u>	Supplemental Facts/MEMORANDUM in Support - re <u>31</u> MOTION to Amend/Correct <u>2</u> Complaint - filed by Detlef F. Hartmann. (rwc) (Entered: 03/26/2007)
03/27/2007	<u>33</u>	USCA Order Terminating Appeal as to <u>16</u> Notice of Appeal filed by Detlef F. Hartmann. USCA Decision: Dismissed. (sc,) (Entered: 03/27/2007)
04/06/2007	<u>34</u>	MOTION for Extension of Time to Amend <u>2</u> Complaint - filed by Detlef F. Hartmann. Motion referred to Mary Pat Thyng.(ntl) (Entered: 04/09/2007)
04/06/2007	<u>35</u>	MOTION to Appoint Counsel - filed by Detlef F. Hartmann. Motion referred to Mary Pat Thyng. (ntl) (Entered: 04/09/2007)
04/06/2007	<u>36</u>	OPENING BRIEF in Support re <u>35</u> MOTION to Appoint Counsel filed by Detlef F. Hartmann. Answering Brief/Response due date per Local Rules is 4/23/2007. (ntl) (Entered: 04/09/2007)
05/09/2007	<u>37</u>	MEMORANDUM ORDER denying as moot <u>26</u> Motion to Stay; denying <u>27</u> Motion for Order to Show Cause; denying <u>27</u> Motion for TRO; denying <u>30</u> Motion to Appoint Counsel ; denying <u>31</u> Motion to Amend/Correct; granting <u>34</u> Motion for Extension of Time to Amend ; denying <u>35</u> Motion to Appoint Counsel ; denying as moot <u>18</u> Motion for Leave to Proceed in forma pauperis; denying <u>19</u> Motion ; granting <u>20</u> Motion for Extension of Time. Signed by Judge Mary Pat Thyng on 5/9/07. (ntl) (Entered: 05/10/2007)
06/07/2007	<u>38</u>	AMENDED COMPLAINT against Jane Brady, Stanley Taylor, Paul Howard, James Welsh, Robert Snyder, Elizabeth Burris, David Pierce, Francine Kobus, Mike Little, Edward Johnson, Jane Melbourne, Jane Thompson, Michael Molreana, Lisa Merson, R. Vargas, Evelyn Stevenson, Nikita Robbins, Janet Leban, John Malaney, Jane Alie, Deborah Rodweller, Gail Eller, Oshenka Gordon, Brenda Hedding, Nancy Doe, R.W. Doe, IV, Ihoma Doe, Larry Linton, Kimberly Weigner, Anthony Cannuli, I to XLV Does, Joyce Talley, Carl Hazzard, J. Henry, Kent County Division of Family Services, Delaware Secretary and Commissioner, Board and/or Council, for Mental Health, Children and their Families Corrections, American Disabilities Act and Rehabilitation Act, Department of Corrections, Delaware Correctional Center, State Of Delaware, State Department of Public Libraries, Delaware Department of Justice, Delaware Center for Justice, Kent County Delaware- filed by Detlef F. Hartmann. (Attachments: # <u>1</u> Amended Complaint Part 2# <u>2</u> Amended Complaint Part 3# <u>3</u> Amended Complaint Part 4)(rwc) Modified on 6/11/2007 (rwc,). (Entered: 06/11/2007)
08/10/2007	<u>39</u>	Document titled, " Motion for Pleadings Between Numerous Defendants, and Motion to Compel Names and Addresses for Service," - contrued as a Request for Service Order - filed by Detlef Hartmann. (rwc) (Entered: 08/10/2007)
09/17/2007	<u>40</u>	ORDER re <u>38</u> Amended Complaint is STRICKEN and plaintiff is given leave to file a second amended complaint, within 21 days from the date of this order. Signed by Judge Mary Pat Thyng on 9/17/07. (ntl) (Entered: 09/17/2007)
10/09/2007	<u>41</u>	SECOND AMENDED COMPLAINT - against Jane Brady, Thomas Carroll,

		Michael McCreanor, John Scranton, John Malaney, Gail Eller, Ihoma Chucks (parties added) - filed by Detlef F. Hartmann.(rwc) (Entered: 10/10/2007)
10/18/2007	<u>42</u>	NOTICE OF APPEAL of <u>40</u> Order. Appeal filed by Detlef F. Hartmann. No fee paid. No IFP application filed. (rwc) (Entered: 10/19/2007)
10/26/2007	<u>43</u>	NOTICE of Docketing Record on Appeal from USCA for the Third Circuit re <u>42</u> Notice of Appeal filed by Detlef F. Hartmann. USCA Case Number 07-4092. USCA Case Manager: Pamela Batts (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF) (pb,) (Entered: 10/26/2007)
11/13/2007	<u>44</u>	ORDER: the second amended complaint (D.I. 41) is STRICKEN; the case will proceed on the original complaint; plaintiff shall return to Clerk original USM 285 form(s). Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.) Signed by Judge Mary Pat Thyng on 11/13/07. (ntl) (Entered: 11/13/2007)
11/27/2007	<u>45</u>	ORDER of USCA. Decision of USCA: Order Granting Ifp. (pb,) (Entered: 11/27/2007)
11/29/2007	<u>46</u>	REVISED AMENDED COMPLAINT - filed by Detlef F. Hartmann.(ntl) (Entered: 12/03/2007)
11/29/2007	<u>47</u>	MOTION for Temporary Restraining Order - filed by Detlef F. Hartmann. Motion referred to Mary Pat Thyng.(ntl) (Entered: 12/03/2007)
01/22/2008	<u>48</u>	MEMORANDUM ORDER denying re <u>47</u> MOTION for Preliminary Injunction and Temporary Restraining Order filed by Detlef F. Hartmann; Correctional Medical Services and First Correctional Medical Services are dismissed as defendants; plaintiff may proceed in part on claim 2 against defendants Carroll, Howard, Pierce, Malaney, Alie, Rodweller, Gordon, Chucks, Nurse Nancy Doe, and John Does III, IV, XIV, XLIV, XLVIII, XLIX, L, LI, and in part on claim 12 against Edward Johnson; the remaining defendants and claims are dismissed; the portion of the Court's 11/13/07 order (D.I. 44) providing for service is vacated; plaintiff shall return to Clerk original USM 285 forms for the defendants named above, as well as for the DE Attorney General. Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.) Signed by Judge Sue L. Robinson on 1/17/08. (ntl) (Entered: 01/22/2008)
01/28/2008	<u>49</u>	MOTION to Expedite a MOTION for Preliminary Injunction, MOTION for Temporary Restraining Order - filed by Detlef F. Hartmann. Motions referred to Mary Pat Thyng.(ntl) (Entered: 01/29/2008)
01/28/2008	<u>50</u>	Letter dated 1/23/08 to Deputy Warden Pierce from Detlef Hartmann regarding legal materials and boxes. (ntl) (Entered: 01/29/2008)
01/28/2008	<u>51</u>	MOTION to Appoint Counsel - filed by Detlef F. Hartmann. Motion referred to Mary Pat Thyng.(ntl) (Entered: 01/29/2008)
02/01/2008		Case reassigned from the Vacant Judgeship to Judge Joseph J. Farnan, Jr. Please include the initials of the Judge (JJF) after the case number on all documents filed. (rwc) (Entered: 02/01/2008)

02/07/2008	<u>52</u>	USCA Order Terminating Appeal as to 42 Notice of Appeal filed by Detlef F. Hartmann. USCA Decision: Dismissed for lack of jurisdiction. (pb,) (Entered: 02/07/2008)
02/13/2008		Case reassigned to Judge Sue L. Robinson (in lieu of Vacant Judgeship). Please include the initials of the Judge (SLR) after the case number on all documents filed. (rjb) (Entered: 02/13/2008)
02/19/2008	<u>53</u>	NOTICE OF APPEAL of <u>48</u> Memorandum Order. Appeal filed by Detlef F. Hartmann. Fee not paid. (nfn) (Entered: 02/20/2008)
02/29/2008	<u>54</u>	NOTICE of Docketing Record on Appeal from USCA for the Third Circuit re <u>53</u> Notice of Appeal filed by Detlef F. Hartmann. USCA Case Number 08-1541. USCA Case Manager: Tonya Wyche (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF) (tw,) (Entered: 02/29/2008)
03/05/2008	<u>55</u>	ORDER denying <u>49</u> "motion for caption addition"; denying <u>49</u> Motion for Preliminary Injunction; denying <u>49</u> Motion for TRO; denying <u>51</u> Motion to Appoint Counsel. See order for details. Signed by Judge Sue L. Robinson on 3/5/08. (fmt) (Entered: 03/05/2008)
03/20/2008	<u>56</u>	ORDER of USCA granting motion to proceed inform a pauperis. (tw,) (Entered: 03/20/2008)
03/27/2008	<u>57</u>	Letter to Delaware District Court from Detlef F. Hartmann regarding getting a certified copy of the docket sheet. (nfn) (Entered: 03/28/2008)
03/31/2008	<u>58</u>	Letter to Detlef F. Hartmann from Clerk in response to his letter - re <u>57</u> Letter. (nfn) (Entered: 04/02/2008)
04/08/2008	<u>59</u>	Letter to Clerk of Court from Detlef F. Hartmann re <u>58</u> Letter. (lid) (Entered: 04/08/2008)
05/19/2008	<u>60</u>	MOTION to Change Venue, MOTION for Recusal of District Court Judges - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>61</u>	MOTION for Extension of Time to Complete Reply Brief - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>62</u>	MOTION for Temporary Restraining Order and Injunction - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>63</u>	MOTION to Appoint Counsel - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>64</u>	MOTION to Correct case caption <u>2</u> Complaint - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>65</u>	MOTION for Discovery - filed by Detlef F. Hartmann. (lid) (Entered: 05/20/2008)
05/19/2008	<u>66</u>	MOTION for Reconsideration re 48 Order, Order (PLRA) Service Order (no 285's),, Order (PLRA) Service Order (no 285's),, Order (PLRA) Service Order (no 285's),, Order (PLRA) Service Order (no 285's) - filed by Detlef F.

Hartmann. (Attachments: # 1 Motion part 2 of 2, # 2 Exhibit A, # 3 Exhibit B)
(lid) (Entered: 05/20/2008)

PACER Service Center			
Transaction Receipt			
06/05/2008 09:49:51			
PACER Login:	dj0024	Client Code:	
Description:	Docket Report	Search Criteria:	1:06-cv-00340-SLR Start date: 1/1/1970 End date: 6/5/2008
Billable Pages:	7	Cost:	0.56

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DETLEF HARTMANN

Plaintiff,

v.

COMMISSIONER ANDREA MAYBEE-
FREUD et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

C.A. No. 06-340-SLR

ORDER

AND NOW, this ____ day of _____, 2008, this Honorable Court having considered Defendants Tom Carroll, Paul Howard, David Pierce and Edward Johnson's Motion to Dismiss pursuant to Fed.R.Civ.P.Rule 4(m) and all opposition thereto, it is hereby ordered that the Motion is GRANTED. All claims against the Defendants are dismissed without prejudice.

The Honorable Sue L. Robinson